

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: July 12, 2007
Item No.: 11.
Staff: Patricia Kelly

SUBDIVISION MAP CORRECTION

FILE NUMBER: TM 91-1239C/Serrano Village H, Unit 3

APPLICANT: John and Patricia Grigsby

REQUEST: Map correction to the recorded final map for Serrano/Village H, Unit 3, Lot 117, to remove the recorded vehicular access restriction adjacent to Gresham Drive to allow for a secondary driveway.

LOCATION: East side of Gresham Drive approximately 600 feet northwest of the intersection with Bent Creek Court, in the El Dorado Hills area, Supervisorial District 1. (Exhibit A)

APN: 123-110-22

ACREAGE: .95 acre

GENERAL PLAN: Serrano El Dorado Hills Area Plan (AP) (Exhibit B)

ZONING: One-family Residential-Planned Development (R1-PD) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Statutorily Exempt from CEQA pursuant to Section 15268(b) (3)

SUMMARY RECOMMENDATION: Recommend conditional approval

BACKGROUND: Serrano Village H was created with Planned Development PD 91-05 which was approved by the Planning Commission on March 3, 1992. The portion of Tentative Parcel Map TM91-1239 that created Village H, Unit 3, was approved by the Board of Supervisors on May 13, 1997, and recorded on June 2, 1997, as Subdivision Map H-129.

A grading permit was issued for the property on March 8, 2005, and a building permit for a single-family dwelling was issued on July 6, 2005. During the review process for these permits it was found that a secondary driveway access was prohibited until the vehicular access restriction adjacent to Gresham Drive was removed.

Serrano Associates submitted map correction TM91-1239C on May 2, 2005, with the intent to remove the vehicular access restriction at the rear of the property.

The Planning Commission reviewed the map correction request on September 8, 2005, and forwarded a recommendation to the Board of Supervisors that the request be denied because the necessary findings in Section 16.72.040 of the County Zoning Ordinance could not be made, specifically 16.72.040 (C) that the modifications proposed do not alter any right, title or interest in the real property reflected in the recorded map. The Planning Commission found that the removal of the vehicular access restriction to allow the proposed design and grading for a circular driveway spanning Lot 117 and adjoining Lot 118 would alter the title. At the November 8, 2005, Board of Supervisor hearing, the applicant's agent requested the matter be withdrawn; no action was taken by the Board.

STAFF ANALYSIS

Project Description: The applicant is requesting reconsideration of the map correction to remove the portion of the recorded vehicular access restriction from Gresham Drive that is adjacent to the westerly boundary of Lot 117 to allow for a secondary access. The balance of the easements would remain as recorded. Those easements include a 5-foot postal easement, 10-foot drainage and public utility easements, and a 20-foot slope easement. Lot 118 adjoins to the north and is under the same ownership but it is not encumbered by a recorded vehicular access restriction.

Site Description: The parcel has been graded, and a single family residence is currently being constructed. The eastern portion of Lot 117 has 0 to 10 percent slopes that increase to approximately 30 percent to the westerly boundary adjacent to Gresham Drive. The driveway proposed to encroach onto Gresham Drive has been graded and graveled and has a less than 20 percent slope.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R1- PD	AP	Developed Single Family Residential Lots
North	PD	HDR	Developed Single-Family Residential Lots
South	PD	HDR	Developed Single-Family Residential Lots
East	PD	HDR	Developed Single-Family Residential Lots
West	PD	HDR	Developed Single-Family Residential Lots

Discussion: The subject parcel and surrounding project parcels are part of an approved developing subdivision. The drainage easements have been maintained and the easements to support utility infrastructure of the subdivision would not be affected by the subject map correction.

General Plan: The subject parcel is designated on the General Plan Land Use Map as Area Plan (AP). This designation is suitable for single-family residences and the approved Serrano Village H, Unit 3, is consistent with the designation.

The General Plan designates the project parcel as Area Plan (AP). This designation recognizes areas for which specific land use plans have been adopted. These plans are accepted and incorporated by reference, and the respective land use map associated with each plan is hereby adopted as the General Plan Map for each area. The AP designation is suitable for single-family residences, and the approved Serrano Village H, Unit 3, is consistent with the designation.

Zoning Ordinance: The subject parcel is zoned One-family Residential-Planned Development (R1-PD). No new conflicts with setbacks or easements relative to the structure under construction or any other development standard or requirements of the Zoning Ordinance would be created by the elimination of the vehicular access restriction as proposed by this project. Accordingly, based on comments received from public agencies, as discussed below and included in the analysis contained within this report, staff finds that the project would not be detrimental to the public health, safety and welfare and not be injurious to the neighborhood.

Subdivisions Ordinance: Section 16.72.040 of the County Subdivision Ordinance allows the modification of a Final Map by a Certificate of Correction or amending of a recorded map. As detailed in Attachment 2, the proposed request to remove the vehicle access restriction is found to be consistent with Section 16.72.040 of the County Subdivisions Ordinance. The location of the proposed driveway, as depicted in the 1995 Map Amendment Application proposed a circular driveway originally proposed near the common property line of Lots 116 and Lot 117 and to the south at the common property lines of Lot 117 and Lot 118. Lot 116 is not owned by the applicant. This application driveway design proposes to locate on Lot 117 only and is approximately 60% of the length of the original design proposed in 2005. Access from Lot 118 was eliminated. The proposed driveway location reduces the amount of grading required and visual impacts in the vicinity as compared to the proposed design in 2005

Agency and Public Comments: No comments were received from solicited private parties. The comments received from public agencies solicited on the proposed project are listed below. Copies of their written comments are available at the Development Services Department.

El Dorado County, Office of the County Surveyor: The applicant shall be required to submit a Certificate of Correction to the County Surveyor's Office prior to recordation. This requirement is included in Attachment 2, Conditions of Approval.

El Dorado County Department of Transportation (DOT): DOT supports the removal of the vehicular access restriction provided a deed restriction is placed on the subject property along the entire frontage of Gresham Drive to maintain a minimum sight distance for access to the site. This restriction shall limit the height of landscaping, or any obstruction, to a maximum height of six (6) inches above the existing ground and shall be confined to the remaining right-of-way behind the curb and gutter and the 20-foot wide slope easement along Gresham Drive.

The encroachment, to access the site of Gresham Drive, shall meet the provisions of El Dorado County Standard Plan 103A-1.

El Dorado Hills Community Services District: The CSD recommended approval of the application.

El Dorado Hills Fire Department: The El Dorado Hills Fire Department requested the driveway be designed to a slope of 20 percent or less and serve one single-family dwelling only. This requirement is included in Attachment 2, Conditions of Approval.

ENVIRONMENTAL REVIEW

This request for a Certificate of Map Correction has been found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15268(b)(3) stating that the approval of a Final Subdivision Map is presumed to be ministerial and is exempt from further environmental review. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County recorder to file the Notice of Exemption.

RECOMMENDATION

Staff recommends the Planning Commission forward a recommendation that the Board of Supervisors take the following actions:

1. Certify that the Certificate of Map Correction is Statutorily Exempt from the requirements of CEQA pursuant to Section 15268(b) (3); and
2. Approve TM 91-1239-C based on the Findings contained in Attachment 2 and the Conditions of Approval contained in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval
Attachment 2.....Findings

Exhibit A.....Vicinity Map
Exhibit BGeneral Plan Land Use Map
Exhibit CZoning Map
Exhibit D.....Assessor’s Map
Exhibit EApplicant’s Proposed Map Amendment
Exhibit F.....Serrano Village H Unit 3 Subdivision Map
Exhibit F.....Site Visit Photos

ATTACHMENT 1 CONDITIONS OF APPROVAL

File Number TM-91-1239C

1. This subdivision map correction is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit E (Site Plan Map) dated July 12, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

A map correction to the recorded final map for Serrano Village H, Unit 3, Lot 117, to allow removal of the portion of the recorded vehicular access restriction from Gresham Drive that is adjacent to the westerly boundary of Lot 117 to allow for a secondary access. The balance of the easements would remain as recorded. Those easements include a 5-foot postal easement, 10-foot drainage and public utility easements and 20 foot slope easement. Lot 118 adjoins to the north and is under the same ownership but it is not encumbered by a recorded vehicular access restriction.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structure, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be delivered to the El Dorado County Planning Services Department within 60 days of the approval of this application by the El Dorado Board of Supervisors.
3. The property owners are responsible for all associated processing and recording fees. Applicant shall file a Certificate of Correction with the El Dorado County Surveyor's Office pursuant to the Subdivision Map Act and County Code for review and approval prior to recordation at the County Recorders Office. The property owners are responsible for all associated processing and recording fees.

4. The driveway access off of Gresham Drive shall be designed to a slope of 20 percent or less and shall serve one single family dwelling only. Verification of the driveway slope shall be made by Planning Services prior to issuance of a building permit.
5. A deed restriction shall be recorded on the property along the entire frontage of Gresham Drive to maintain a minimum sight distance for access to the subject property. The restriction shall limit the height of landscaping or any other obstruction to a maximum height of six (6) inches above the existing ground and shall be confined to the remaining right-of-way behind the curb and gutter and the 20-foot wide slope easement along Gresham Drive. A copy of the deed restriction shall be provided to Planning Services prior to issuance of a building permit.
6. Prior to issuance of a building permit the applicant shall pay all Development Services fees.
7. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

ATTACHMENT 2 FINDINGS

File Number TM91-1239-C Planning Commission Hearing

Based on the review and analysis of this project by staff and affected agencies and supported by discussion in the staff report and evidence in the record the following findings can be made pursuant to CEQA, applicable County General Plan Policies and the County Zoning and Subdivisions Ordinance and the California Government Code.

1.0 CEQA

- 1.1 This project has been found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15268(b) (3) of the CEQA Guidelines stating that in the absence of any discretionary provision contained in the local ordinance or other law establishing the requirements for the permit for use approval of a final subdivision map shall be resumed to be ministerial.

2.0 ADMINISTRATIVE

2.1 General Plan

A finding can be made that the proposed use is consistent with the policies in the County General Plan as the single family residence is a permitted use in the Serrano El Dorado Hills Area Plan

2.2 Zoning Ordinance

The project is consistent with the One-family Residential-Planned Development (R1-PD) Zone District. No new conflicts with setbacks or easements relative to structures under construction or any other development standard or requirements of the Zoning Ordinance would be created by the elimination of the vehicular access restriction as proposed by this project. A finding can be made that the proposed use is consistent with the County Zoning Ordinance.

2.3 Subdivisions Ordinance

- A. That there are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary.

The vehicular access restriction was placed as a strict interpretation of the Design and Improvement Standards Manual, Section 2, Subsection B8, which discusses double frontage lots, when Village H was initially designed. The steepness of Lot 117 warrants a double frontage encroachment.

The Department of Transportation (DOT) has reviewed the application to remove a vehicular access restriction along Gresham Drive. The DOT supports the removal of this vehicular access restriction provided the applicant shall place a deed restriction on this property along the entire frontage of Gresham Drive to maintain minimum sight distance for access to this site. This restriction shall limit the height of landscaping, or any other obstruction, to a maximum height of six (6) inches above the existing ground and shall be confined to the remaining right of way behind the curb and gutter and the 20-foot wide slope easement along Gresham Drive.

The encroachment, to access this site off Gresham Drive, shall meet the provisions of El Dorado County Standard Plan 104A-1.

- B. That the modifications proposed did not impose any additional burden on the present fee owner of the property.

The removal of the vehicular access restriction would benefit the current owner and would not impose any additional burden.

- C. That the modifications proposed do not alter any right, title or interest in the real property reflected in the recorded map.

The removal of the vehicular access restriction will not impact the use of Grisham Road (a private road) as access to the property will be maintained and all other easements will remain as originally approved.

- D. That the map as modified conforms to the provisions of Section 66474 of the Government Code.

The request to remove the vehicular access restriction is consistent with the policies in the El Dorado Hills Specific Plan

2.4 **Section 66474**

- (a) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans as specified in Section 65451.

The removal of the vehicular access restriction is consistent with the El Dorado Hills Specific Plan which includes text and diagrams as required under Section 65451.

- (b) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

The request to remove the vehicular access restriction is consistent with applicable policies in the El Dorado Hills Specific Plan.

- (c) That the site is physically suitable for the proposed type of development.

The site is suitable for the density of the development because the property is zoned one-family residential/planned development district. The request to remove the access restriction easement does not affect the density allowed in the Serrano El Dorado Hills Area Plan.

- (d) That the site is physically suitable for the proposed density of development.

The site is suitable for the density of the development because the project site is zoned one-family residential/planned development zone district. The request to remove the vehicular access restriction does not affect the density allowed in the Serrano El Dorado Hills Area Plan.

- (e) That the design of the subdivision or type of improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The removal of the vehicular access restriction will not cause substantial environmental damage or substantially injure fish or wildlife or their habitat because this a request for a Map Correction of the recorded Final Map for Serrano Village H, Unit 3, and does not include any construction or grading activities.

- (f) That the design of the subdivision or type of improvements will not cause serious public health problems.

The removal of the vehicular access restriction will not result in or cause a serious health problem because this is a request for a Map Correction of a recorded Final Map for Serrano Village H, Unit 3, and does not include any construction or grading activities.

- (g) Design of the subdivision or the type of improvements will not conflict with the easements acquired by the public at large, for access through or use of property within the proposed subdivision.

The removal of the vehicular access restriction will not impact the use of Grisham Road, (a private road) as access to the property will be maintained and all other easements will remain as originally approved.